

Message Text

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C O N F I D E N T I A L STATE 199313

E.O. 11652: GDS

TAGS: PINS, IS

SUBJECT: PLO ACTIVITIES IN U.S.

1. ISRAELI EMBASSY MINISTER BAR-ON CALLED ON DEPUTY
ASSISTANT SECRETARY VELIOTES JUNE 2 TO POSE TWO QUESTIONS
ABOUT PLO ACTIVITIES IN US:

--IS IT PERMISSIBLE FOR RAHMAN HASSAN TO SERVE BOTH AS
DEPUTY DIRECTOR OF THE PLO OBSERVER MISSION AND AS
DIRECTOR OF THE PLO INFORMATION OFFICE IN NEW YORK; AND

--IS THE PLO REQUIRED TO REGISTER UNDER 18 USC 2386
IN ADDITION TO THE FOREIGN AGENTS' REGISTRATION ACT?

2. FYI: 18 USC 2386 REQUIRES REGISTRATION WITH THE
ATTORNEY GENERAL OF ORGANIZATIONS "SUBJECT TO FOREIGN
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CONTROL WHICH ENGAGE IN POLITICAL ACTIVITY (DEFINED AS
ANY ACTIVITY THE PURPOSE OR AIM OF WHICH IS THE
CONTROL BY FORCE OR OVERTHROW OF THE GOVERNMENT OF THE
UNITED STATES OR A POLITICAL SUBDIVISION THEREOF)", AND
ORGANIZATIONS THE PURPOSE OR AIM OF WHICH IS THE
"ESTABLISHMENT, CONTROL, CONDUCT SEIZURE, OR OVERTHROW
OF A GOVERNMENT OR SUBDIVISION THEREOF BY THE USE OF

FORCE, VIOLENCE, MILITARY MEASURES, OR THREATS..."

3. VELIOTES AND DEPUTY LEGAL ADVISER MARKS RESPONDED TO BAR-ON ON JULY 31 ALONG THE FOLLOWING LINES:

--A. HASSAN'S TWO HATS: WE TOLD PLO IN 1977 IT WOULD HAVE TO SEPARATE THE FILES OF THE OBSERVER MISSION AND THE INFORMATION OFFICE, AND AT THE SAME TIME INFORMED THEM THAT RAHMAN'S DUAL-HATTING WAS INAPPROPRIATE AND SHOULD CEASE. THEY HAVE SEPARATED THEIR FILES. WE WILL PRESS THEM AGAIN ON DUAL-HATTING, EVEN THOUGH IT DOES NOT VIOLATE U.S. LAW. IN SITUATIONS LIKE THIS WE ARE SOMETIMES ABLE TO APPLY PRESSURE THROUGH THE VISA PROCESS, BUT RAHMAN IS A PERMANENT ALIEN AND DOES NOT NEED A VISA. THUS, WHILE WE ARE PREPARED TO MAKE A STRONG EFFORT TO END THIS DUAL-HATTING, WE MAY NOT SUCCEED.

--B. REGISTRATION UNDER 18 USC 2386: WE HAVE CHECKED THE APPLICABILITY OF THIS STATUTE INFORMALLY WITH THE JUSTICE DEPARTMENT, WHICH IS RESPONSIBLE FOR ADMINISTERING THE ACT. JUSTICE DOES NOT BELIEVE THAT THE PLO IS REQUIRED TO REGISTER UNDER THIS STATUTE. THE STATUTE HAS NEVER BEEN INTERPRETED AS APPLYING TO ACTIVITIES CARRIED OUT ABROAD, RATHER THAN AGAINST THE UNITED STATES. JUSTICE HAS SOME DOUBT ABOUT THE CONSTITUTION-
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ALITY OF THE STATUTE. JUSTICE CANNOT RECALL WHEN IT WAS LAST APPLIED.

4. BAR-ON ARGUED THAT THE PLO WAS DEMONSTRABLY A TERRORIST ORGANIZATION; THAT EVEN IF THE PLO APPEARED TO ABIDE BY US LAWS WHILE IN US, ALL ITS ACTIVITIES HERE PLAINLY PART OF ITS EFFORT TO OVERTHROW THE GOVERNMENT OF ISRAEL; THAT THE PLO HAD EVEN ATTACKED THE US (IN KHARTOUM AND BEIRUT); THAT THE WAY WE INTERPRET THIS LAW, ANY TERRORIST GROUP FROM THE PLO AND PFLP TO THE IRA AND BAADER-MEINOF COULD LEGALLY SET UP SHOP IN THE US. VELIOTES AND MARKS EXPLAINED THAT THIS WAS ALL LARGELY IRRELEVANT. THE WAY THE LAW WAS WRITTEN, IT DOES NOT SEEM TO APPLY TO PLO ACTIVITIES IN THE U.S AND EVEN IF IT DID, THE LAW PROBABLY COULD NOT BE UPHELD IN COURT.

5. IN THE END, BAR-ON RELUCTANTLY ACCEPTED DEPARTMENT'S POSITION, BUT ON THE WAY OUT NOTED THAT HE WOULD JUST HAVE TO GO BACK TO THE EMBASSY AND "FIND ANOTHER LAW."

CHRISTOPHER

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